

REMARKS

Claims 22 through 36 are pending in this application. Claims 22 and 25 are amended herein. Claims 32 through 36 are added herein. Support for the amendments to the claims may be found in the claims as originally filed, and in the specification.

In particular, claim 22 has been amended to recite that the unit is adapted to be mounted against a vertical wall. The recitation of the original claim 22 that the cap comprises a bottom open and connectible to the upper end of the housing of the unit has been removed in order to cover the embodiment of Fig. 5 where the cap is part of the housing of the unit. Accordingly, a new claim 32 has been added to recite the feature that the frame has a bottom open and connectible to the upper end of the housing of the unit.

Claim 22 has also been amended to recite that the deflector means are angularly displaceable from a closure position for closing the opening and an open position. Inner and outer surfaces of the deflector means have been defined with reference to the closed position of the said deflector means. Finally, the feature that a portion of the air flow output from the unit is directed towards the vertical wall against which the unit is mounted has been introduced.

This amendment is believed to place the application in condition for allowance. Entry thereof is therefore respectfully requested. Reconsideration is requested based on the foregoing amendment and the following remarks.

Claim Rejections - 35 U.S.C. § 102:

Claims 22 through 26 were rejected under 35 U.S.C. § 102(b) as anticipated by Mori et al., US 6,196,018. The rejection is traversed to the extent it might apply to the claims as amended.

Claim 22 recites:

"forced or natural convection."

Mori neither teaches, discloses, nor suggests forced or natural convection, as acknowledged graciously in the final Office action in the last paragraph at page 2.

Claim 22 recites further:

"a portion of the air flow output from the unit is directed towards the vertical wall."

Mori neither teaches, discloses, nor suggests directing a portion of the air flow output

Application Serial No. 10/665,629  
Amendment after final dated February 10, 2005  
Reply to final Office action of December 10, 2004

from the unit towards a vertical wall against which the unit is mounted, as recited in claim 22. In Mori, rather, a cap is provided with a side opening 231 which directs the air flow horizontally and with a flap 30 which directs the air flow downwardly towards the room. Therefore, evidently, the cap of Mori is not able to direct the air flow towards the vertical wall against which the unit is mounted. Even if the unit of Mori would be mounted against a vertical wall by turning the unit so that the opening 231 faces upwards, the air flow output from the opening 231 would be directed upwardly in the vertical direction whereas the flap 30 would direct the air flow towards the room in which the unit is placed.

Claim 22 is thus submitted to be allowable. Withdrawal of the rejection is earnestly solicited.

Claims 23 and 24 depend from claim 22 and add further distinguishing elements. Claims 23 and 24 are thus also submitted to be allowable. Withdrawal of the rejection is earnestly solicited.

Claim 25 recites:

"forced or natural convection."

Mori neither teaches, discloses, nor suggests forced or natural convection, as acknowledged graciously in the final Office action in the last paragraph at page 2.

Claim 25 recites further:

"a portion of the air flow output from the unit is directed towards the vertical wall."

Mori neither teaches, discloses, nor suggests directing a portion of the air flow output from the unit towards a vertical wall against which the unit is mounted, as discussed above with respect to claim 22. Claim 25 is thus also submitted to be allowable, for at least those reasons discussed above with respect to claim 22. Withdrawal of the rejection is earnestly solicited.

Claim 26 depends from claim 25 and adds further distinguishing elements. Claim 26 is thus also submitted to be allowable. Withdrawal of the rejection is earnestly solicited.

Claim Rejections - 35 U.S.C. § 103:

Claims 27 through 31 were rejected under 35 U.S.C. § 103 as being unpatentable over Mori in view of Ghorayeb, US 5,093,895. The rejection is traversed to the extent it might apply to the claims as amended.

Application Serial No. 10/665,629  
Amendment after final dated February 10, 2005  
Reply to final Office action of December 10, 2004

Claims 27 through 31 depend from either claim 22 or 25 and add further distinguishing elements. Mori neither teaches, discloses, nor suggests directing a portion of the air flow output from the unit towards a vertical wall against which the unit is mounted, as discussed above with respect to claims 22 and 25. Ghorayeb does not either, and thus cannot make up for the deficiencies of Mori with respect to claims 22 and 25.

In Ghorayeb, rather, deflector 30 is brought back to the position shown in Fig. 5, directed away from baseboard 50, when the humidifier is in use, as described at column 3, lines 23 and 24. Since neither Mori nor Ghorayeb teach, disclose, or suggest directing a portion of the air flow output from the unit towards a vertical wall against which the unit is mounted, their combination cannot, either.

Furthermore, the claimed invention allows the surface of windows placed above the unit to be demisted when the outside temperature is low and the inside humidity is very high. Since neither Mori nor Ghorayeb teach, disclose, or suggest directing a portion of the air flow output from the unit towards a vertical wall against which the unit is mounted, they cannot achieve this technical result, nor is this result achieved with the known caps for heating or conditioning units.

Finally, the final Office action asserts that it would have been obvious to modify Mori in view of Ghorayeb for purposes of energy conservation. Ghorayeb, however, describes a humidifier while Mori describes an air conditioner. It seems unlikely that persons of ordinary skill in the art would have looked to a humidifier for methods of energy conservation in air conditioners, since the purpose of a humidifier is to add moisture to air, while an air conditioner wrings the moisture out of air. An increase in the efficiency of one would seem to impair the efficiency of the other. It is submitted, therefore, that persons of ordinary skill in the art at the time the invention was made would have been deterred from modifying Mori in view of Ghorayeb, contrary to the assertion in the final Office action.

Claims 27 through 31 are thus also submitted to be allowable. Withdrawal of the rejection is earnestly solicited.

New Claims 32 through 36:

New claims 32 through 36 depend from either claim 22 or 25 and add further distinguishing elements. Neither Mori nor Ghorayeb teach, disclose, or suggest directing a

Application Serial No. 10/665,629  
Amendment after final dated February 10, 2005  
Reply to final Office action of December 10, 2004

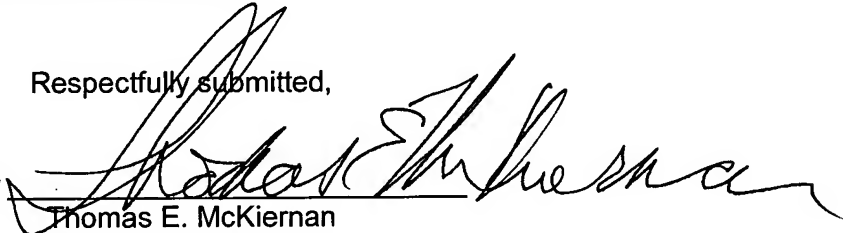
portion of the air flow output from the unit towards a vertical wall against which the unit is mounted, as discussed above. New claims 32 through 36 are thus also submitted to be allowable.

Conclusion:

Accordingly, in view of the reasons given above, it is submitted that all claims 22 through 36 are allowable over the cited references. Allowance of all claims 22 through 36 and of this entire application are therefore respectfully requested.

Respectfully submitted,

By



Thomas E. McKiernan  
Reg. No. 37,889  
Attorney for Applicants  
ROTHWELL, FIGG, ERNST & MANBECK  
Suite 800, 1425 K Street, N.W.  
Washington, D.C. 20005  
Telephone: (202)783-6040

2778-143-am2